

REMARKS/ARGUMENTS

Claims 8 through 12, 14, 15 and 17 through 20 remain in this application.

Claims 8 through 12 and 14 through 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,301,609 B1 to Aravamudan, et al. ("Aravamudan, et al. patent") in view of U.S. Patent Application Publication No. US 2002/0147988 A1 to Nakano ("Nakano publication").

Independent claim 8 provides, *inter alia*, notifying the mobile subscriber that instant messages are available for download from the message buffer when the mobile subscriber has multiple messages stored in the message buffer. Likewise, claim 20 provides, *inter alia*, an instant message proxy notifying the mobile subscriber that instant messages are available for download from the message buffer when the mobile subscriber has multiple messages stored in the message buffer. Thus, notification is provided in response to multiple messages being stored in the message buffer. As explained at page 13, lines 1 through 10, of the specification, notification is provided only when multiple messages are stored in the message buffer to minimize connection overhead in the network.

The above Office Action, at the top of page 3, states that the Aravamudan, et al. patent fails to teach notifying the mobile subscriber that instant message are available for download from the message buffer when the mobile subscriber has multiple messages stored in the message buffer. However, the Office Action goes on to assert that the Nakano publication teaches this element of claims 8 and 20, particularly at paragraphs [0055], [0056] and [0060].

In contrast to the language of claims 8 and 20, the Nakano publication describes an application that notifies a user of the existence of messages at a message server when a set top box is powered-up (paragraph [0017]). In addition to power up, the application can notify the user of an incoming message upon the arrival of the message at the message server (paragraph [0054]). In summary, the Nakano application provides notification in response to detection of any filtered messages at the message server upon power up or in response to arrival of any filtered message at the message server. The Nakano publication does not describe or suggest any type of notification provided in response to the mobile subscriber having multiple messages stored in the message buffer, as required by claims 8 and 20.

The Nakano application is not concerned with minimizing connection overhead in a network and, thus, takes action when a single message is detected at the message server, whereas the methods of claims 8 and 20 take action only when multiple messages are detected. It is important to note that the Nakano application would only take action when a single message is detected, because detection of a first message would be sufficient to accomplish the objectives presented by the Nakano publication. Even if we were to assume that the Nakano publication would look for a second message (even though it doesn't need to for the purposes stated in the Nakano publication), the Nakano would have already taken action upon detection of the first message and would not, therefore, take another action upon detection of a second message (i.e., multiple messages). Therefore, claims 8 and 20 distinguish patentably from the Aravamuda patent, the Nakano publication, and the suggested combination of these references.

Claims 9 through 12, 14, 15 and 17 through 19 depend from and include all limitations of independent claim 8. Therefore, claims 9 through 12, 14, 15 and 17 through 19 distinguish patentably from the Aravamuda patent, the Nakano publication, and the combination of these references for the reasons stated above for claim 8.

In view of the above, reconsideration and withdrawal of the rejections to claims 8 through 12, 14, 15 and 17 through 20 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Dorenbosch, Jheroen P., et al.

Please forward all correspondence to:
Motorola, Inc.
Law Department (HDW)
600 North US Highway 45
Libertyville, IL 60048

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| <u>/HISASHI D. WATANABE/</u> | <u>10/11/06</u> |
| Hisashi D. Watanabe | Date |
| Attorney for Applicant(s) | |
| Registration No. 37,465 | |
| Telephone: (847) 523-2322 | |
| Facsimile: (847) 523-2350 | |